

D R A F T

**TIVERTON PLANNING BOARD  
MINUTES OF MEETING  
December 1, 2015**

Chairman Stuart Hardy called the regular meeting of the Tiverton Planning Board to order at 7:00 P.M. at the Tiverton Public Library – 34 Roosevelt Drive. Members present were: Patricia Cote, Rosemary Eva, Susan Gill, Carol Guimond, Edward Campbell and Peter Moniz. Members David Saurette and Peter Corr were absent.

Also in attendance were: the Planning Board's Clerk and Administrative Officer Kate Michaud, Town Planner Marc Rousseau, Town Solicitor Peter Skwirz and Director of the Department of Public Works Stephen Berlucchi.

**1. Town of Tiverton – Matthew Wojcik, Town Administrator – 343 Highland Road – Tiverton, RI 02878**

Ms. Eva recused herself from this item and left the table to sit in the audience.

**A. Interviews for On-Call Engineering Services**

- 1. Pare Corporation** Senior Vice President John Shevlin and Project Manager Carl Adamo were present on behalf of Pare. A handout was distributed summarizing in-house capabilities and Tiverton experience, which included the landfill, Ranger School, Bourne Mill and RIDOT (RI Department of Transportation) projects. Mr. Shevlin stated that the firm contained approximately eighty (80) employees and worked with numerous municipalities including Portsmouth, Middletown, Bristol and Warren. Mr. Berlucchi stated that Pare had been the landfill engineer for thirty (30) years. He noted that the Town was in need of one person who would attend meetings and have multidisciplinary skills. He asked who would be that primary person. Mr. Shevlin stated that Mr. Adamo would be the Project Manager and Keith McDonald in the transportation group would be the primary person. Mr. Moniz asked which office they would work out of. Mr. Shevlin replied that they work out of the Lincoln, RI office.

Mr. Moniz inquired about response time. Mr. Shevlin replied that they would be very responsive, adding that they also have a strong relationship with RIDOT and RIDEM (RI Department of Environmental Management). Mr. Moniz inquired about bike path experience. Mr. Shevlin replied that they have worked on approximately one hundred and sixty (160) miles of bike paths in RI and MA.

Mr. Hardy inquired about experience with Low Impact Development (LID), and asked if the applicant would be prepared to work with developers to help them understand the concepts and importance. Mr. Shevlin replied in the affirmative. Mr. Hardy asked if the applicant was familiar with hydraulic modeling for water systems. Mr. Shevlin replied in the affirmative, noting that the environmental group does a lot of modeling and flow testing.

Ms. Guimond inquired about Pare's role at Bourne Mill and Ranger. Mr. Shevlin replied that they were involved in site design, traffic and utilities. Ms. Michaud asked the applicant to describe their approach to construction inspections and permit compliance. Mr. Shevlin replied that they were the on-site engineers for Dowling Village in North Smithfield and prepared field inspection reports for the project. Mr. Adamo stated that the same engineer would follow a project from peer review to site inspections for continuity.

Mr. Wojcik inquired about enforcement experience, asking if the applicant was comfortable being proactive when encountering substandard work. Mr. Shevlin replied in the affirmative. Ms. Cote asked if Pare had supervised construction at the Ranger School. Mr. Shevlin replied in the negative, stating that they had only performed site engineering and that the architect has supervised construction. The Planning Board thanked the applicant for their proposal.

2. **Steere Engineering** President Patricia Steere, Project Manager Deirdre Paiva, Steven Baker of the Highway Division and Dan Leffert of the Building Division were present on behalf of Steere. Ms. Paiva presented a PowerPoint and handed out a printout of the presentation for the Board members.

Mr. Leffert noted that he had worked for Maguire Engineering previously for approximately twenty (20) years. Ms. Paiva noted that the firm contained twenty three (23) employees, with nineteen (19) engineers and an office located in Warwick, RI. Ms. Paiva reviewed her relevant Tiverton experience, including peer review and construction inspection. She noted that she assisted Mr. Berlucchi and the Board in drafting updated construction standards to ensure developer accountability. Ms. Paiva briefly described her approach to the peer review process.

Mr. Berlucchi asked how many active projects Steere was carrying, expressing concern for the size of the firm. Ms. Steere noted that the firm had started with bridge rating projects and a number of structural engineers. She stated that they were the lead bridge engineer on the I Way project and had a project underway in Westbrook, CT.

Mr. Moniz inquired about experience with water and stormwater systems. Ms. Paiva replied that she had worked with both water districts in town (North Tiverton and Stonebridge) and was very familiar with them. Mr. Moniz asked if the firm was bonded or held liability insurance. Ms. Steere replied that yes, they held professional liability insurance. Mr. Hardy stressed the importance of Low Impact Development and confirmed the applicant's familiarity with its concepts.

Ms. Gill asked if Ms. Paiva had previously relied on others in her firm to assist in reviews, and if she could continue to rely on others for support. Ms. Paiva replied that she had strong team support at Steere and that they held team meetings to ensure that needs were met.

Ms. Michaud asked the applicant to describe their approach to inspection and permit compliance. Ms. Paiva reviewed the process, including the requirement for a pre-construction meeting. Ms. Paiva stated that she had, and would continue to, attend Planning Board meetings gratis in order to ensure continuity and compliance. Mr. Rousseau asked the applicant to describe their familiarity with the Industrial Park. Ms. Paiva replied that she was part of the engineering consultant selection team and had performed a general traffic review and peer review of stormwater and wetlands.

Mr. Wojcik stated that his questions had already been answered. The Planning Board thanked the applicant for their proposal.

**B. Recommendation to the Town Council** Mr. Wojcik noted that he was uncomfortable with having the same firm complete the landfill closure plan and perform peer review on the landfill closure. He opined that there needed to be separate firms completing these tasks. Discussion ensued with Mr. Berlucchi and Mr. Campbell expressing concern regarding the number of engineers at Steere and its size relative to Pare. Mr. Campbell also expressed concern that the Board might be voting for Ms. Paiva instead of the firm as a whole, and that if she left the Steere there could be a problem. Ms. Michaud suggested that there could be a provision that a major personnel change, such as the Project Manager, would trigger a review of the relationship. Mr. Hardy also expressed some concern regarding the depth and range of experience at Steere and suggested that the Planning Board could recommend a performance review in one year's time. Mr. Wojcik noted that Ms. Paiva's depth of experience was impressive and valuable.

Mr. Campbell made a motion to recommend Pare. Ms. Cote seconded the motion. The motion failed 1-5. Mr. Campbell voted in favor. Ms. Cote, Ms. Gill, Ms. Guimond, Mr. Hardy and Mr. Moniz were opposed. Ms. Eva did not vote.

Mr. Moniz made a motion to recommend Steere, with a further recommendation for a one-year performance review. Ms. Guimond seconded the motion. The motion passed 5-1. Ms. Cote, Ms. Gill, Ms. Guimond, Mr. Hardy and Mr. Moniz voted in favor of the motion. Mr. Campbell was opposed. Ms. Eva did not vote.

Ms. Eva returned to the table.

**2. Daniel & Elizabeth Rocha – 38 Richard Drive – Tiverton, RI 02878 – Completion of Richard Drive Extension – Request Recommendation to Town Council for Acceptance & Release of Surety (\$20,000) – Inspection / Recommendation Received from S. Berlucchi** No one was present on behalf of the petition. Mr. Berlucchi's memorandum (dated November 20, 2015) was reviewed. Ms. Eva expressed her displeasure with the application and the recommendation and stated that she could not vote on this item. Mr. Skwirz reviewed the process for acceptance, noting that as-built plans were required. Ms. Eva stated that she needed more history in order to make a recommendation. Mr. Berlucchi replied that the base course of asphalt had been in place for a full winter season and the top course was installed this year. He agreed that bounds and as-built plans were needed. Mr. Hardy suggested that the Board could make a conditional recommendation. He noted that he had visited the site and did not see any problems. Ms. Gill asked who would review the as-built plans. Ms. Eva replied that the Planning Board must review the plans. Mr. Berlucchi added that he would also review the plans. He noted that the only issue of concern had been a pre-existing drainage pipe, which was uncovered and inspected and is fine. He noted that the extension itself is approximately forty (40) feet long.

Ms. Eva made a motion to require an as-built plan, to be reviewed by Mr. Berlucchi. Ms. Gill seconded the motion. The motion passed unanimously. Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell, Mr. Hardy and Mr. Moniz voted in favor of the motion.

**3. Henry Cory Durfee, Jr., Eunice Durfee, David Cory Durfee, Rosalie Durfee & Dadson Mobile Homeowner's Association – 301 Bulgarmarsh Road – Tiverton, RI 02878 – Administrative Subdivision – Referred by the Administrative Officer – Plat 410 / Lot 125 & Lot 126 – S/S Bulgarmarsh Road, East of Main Road, Dadson Mobile Home Park – Adjustment of Common Property Line – Memo Received from Building / Zoning Official – Time Clock: 65 Days from Certificate of Completeness** Engineer William Smith of Civil Engineering Concepts, attorney James Donnelly and Steve Delisle of the Homeowner's Association were present on behalf of the petition. Mr. Smith stated that the mobile home Park, located on Lot 125, contained 102 home sites with many different septic systems. He stated that the proposed plan would provide a single septic system for the Park, which would be located on the land to be transferred from Lot 126. He stated that RIDEM (RI Department of Environmental Management) and RIPDES (RI Pollutant Discharge Elimination System) permits had been approved. He added that this application would require Zoning Board approval. All of the old septic tanks would be removed.

Mr. Hardy noted that the proposed plan would remediate an existing environmental issue. He stated that the Board would need to perform two actions: 1.) grant conditional approval and 2.) make a recommendation to the Zoning Board. Ms. Eva stated that more detail was needed, including the location of the structures on Lot 125. Mr. Smith stated that this information was available on the septic plan, and that he would add a second sheet to the Administrative Subdivision plan. Ms. Gill agreed that this was a good idea, as the location of the structures must be noted to prevent future Ms. Eva stated that the label "Parcel A" was confusing, and should be replaced with "Area A".

Ms. Michaud asked why there were not concrete or granite bounds proposed for the new southerly property line of Lot 125. Mr. Smith replied that there was a lot of ledge in the area.

Mr. Moniz made a motion to grant Conditional Approval. The conditions were:

- the addition of a second sheet with structures depicted,
- corrections to the plans as noted and
- receipt of Zoning Board approval.

Ms. Guimond seconded the motion. The motion passed unanimously. Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell, Mr. Hardy and Mr. Moniz voted in favor of the motion.

Ms. Guimond made a motion to make a positive recommendation to the Zoning Board. Ms. Cote seconded the motion. The motion passed unanimously. Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell, Mr. Hardy and Mr. Moniz voted in favor of the motion.

**Town of Tiverton – 343 Highland Road – Tiverton, RI 02878 – Review of Tiverton Comprehensive Community Plan Draft Amendments: Forwarded by the Comprehensive Plan Advisory Committee (CPAC) – Element 5: Land Use – A. Review / Comment / Discussion / Revision in Preparation for Assembly of Full Draft for Formal Review and Action B. Vote to Send Assembled Draft to Town Council with Cover Letter C. Request to Schedule Joint Workshop with Town Council** Patricia Hilton was present on behalf of the CPAC. She noted that comments had been received from Ms. Gill and Mr. Moniz. Ms. Gill reviewed her comments. She opined that a discussion on quarries should be added to the element. Ms. Hilton agreed and suggested that it could be included in the section on industrial land uses (page 16). A brief discussion ensued regarding licensing.

At this time, 9:00 PM, Mr. Campbell left the meeting.

Ms. Gill reviewed her comments regarding homeowner's associations and the inability of the Town to continue to take on more facilities and improvements for maintenance and repair. She stated that the Board could consider a residential construction moratorium in order to determine the capacity of the Town services such as public works and the cost of adding new roadways and drainage facilities to the Town's system. A brief discussion ensued regarding growth controls, such as those in place in Cumberland, RI. Mr. Hardy asked Ms. Gill and Ms. Hilton to work together to come up with language to include in the text.

Ms. Gill opined that the text regarding Souza Road was a little "heavy handed". She suggested omitting the second paragraph on page 3. Discussion ensued. Again, Ms. Gill and Ms. Hilton agreed to work together on language.

The Board agreed by consensus to request a workshop with the Town Council.

#### **4. Tiverton Planning Board**

##### **A. Acceptable Forms of Performance Guarantee**

**1. Recommendation of M. Wojcik** This written correspondence was distributed at the November 17, 2015 meeting. Mr. Wojcik in his memo recommended that the Board no longer accept letters of credit as a form of performance guarantee ("surety") in order to ensure that the Town is adequately protected.

##### **2. Opinion from Legal Counsel**

##### **3. Discussion and Policy Determination**

Mr. Skwirz read aloud from Section 23-71b. of the Land Development and Subdivision Regulations., which defines acceptable forms of guarantee as check, bank book or letter of credit. Mr. Skwirz stated that it was within the Planning Board's discretion to accept whatever form of surety they want. Ms. Eva made a motion stating that from this day on, no letters of credit would be accepted as a performance guarantee. Ms. Cote seconded the motion. The motion passed unanimously. Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Hardy and Mr. Moniz voted in favor of the motion.

**B. 2016-2017 Budget Request** This item was continued by the Chairman to the next meeting.

##### **C. Miscellaneous**

##### **1. 2016 Meeting Calendar – Location of January Meeting**

Ms. Eva made a motion to approve the 2016 calendar as presented, with the January meeting to be held at the Tiverton Public Library. Ms. Gill seconded the motion. The motion passed unanimously. Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Hardy and Mr. Moniz voted in favor of the motion.

**D. Approval of Minutes:**

**July 21, 2015** Correction were noted . Ms. Eva made a motion to approve the minutes with corrections. Ms. Cote seconded the motion. The motion passed unanimously. Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Hardy and Mr. Moniz voted in favor of the motion.

**August 4, 2015** Correction were noted . Ms. Eva made a motion to approve the minutes with corrections. Ms. Gill seconded the motion. The motion passed unanimously. Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Hardy and Mr. Moniz voted in favor of the motion.

**E. Adjournment:** Ms. Cote made a motion to adjourn. The motion was seconded by Ms. Gill. The motion passed unanimously. Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Hardy and Mr. Moniz voted in favor of the motion. The meeting adjourned at 10:04 P.M.

*(Italicized words represent corrections made on the approved date.)*

Submitted by: \_\_\_\_\_  
Kate Michaud, Clerk

Approval Date: DRAFT